

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John D. Dobak III

Application No. 10/039,466

Filed: 01/03/2002

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JUL 30 2004

Title: METHOD AND DEVICE FOR PERFORMING COOLING-OR CRYOTHERAPIES FOR, E.G., ANGIOPLASTY WITH REDUCED RESTENOSIS OR PULMONARY VEIN CELL NECROSIS TO INHIBIT ATRIAL FIBRILLATION

Art Unit: 3739

Examiner: Rosalind Stacie Kearney

Docket No.: 051002

Via Facsimile 703-872-9306
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450REQUEST TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181

In response to the Notice of Abandonment, date mailed July 1, 2004, indicating that Applicant failed to file a proper reply to the Office letter mailed on 21 November 2003, Applicant states that the Notice was issued in error and requests withdrawal of the holding of abandonment.

As evidence that Applicant filed a timely reply, Applicant re-submits herewith a copy of the 9 (nine) page submission filed on March 22, 2004 via facsimile. This submission includes a Petition Under 37 CFR 1.136(a) and Amendment, along with a four (4) page IDS. Applicant also submits herewith a copy of the Auto-Reply Facsimile

Transmission returned from the United States Patent and Trademark Office confirming receipt of the fax submission on March 22, 2004. Also enclosed is a copy of the fax log report from Applicant's fax machine indicating successful transmission of same.

Thus Applicant submits that the application was not abandoned and respectfully requests that this application proceed to issuance accordingly.

As authorized by the transmittal previously submitted on March 22, 2004, the extension fee may be charged to the undersigned attorney's deposit account #50-1047. Since this Notice was issued through error on the part of the United States Patent and Trademark Office, no fees are deemed necessary in connection with this request. However any fees or deficiencies may be charged to deposit account #50-1047.

Respectfully submitted,

By:

Karin L. Williams
Karin L. Williams Reg. No. 36,721

7/29/04
Date

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Certificate of Facsimile

I hereby certify that this correspondence and any document referenced herein is being sent by facsimile to the United States Patent and Trademark Office at 703-872-9306 on 7/30/04.

Debra Rosenbaum
(Name of Person Transmitting Correspondence)

Debra Rosenbaum
(Signature)